

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, CINCINNATI**

SAMANTHA CRACCHIOLO,	:	
	:	
Plaintiff,	:	Case No.
	:	
vs.	:	Judge
	:	
KINGSBURY TRUCKING, LLC, et. al.,	:	
	:	
Defendants.	:	

**NOTICE OF REMOVAL OF CIVIL ACTION FOR HAMILTON COUNTY
COMMON PLEAS COURT**

Pursuant to 28 U.S.C. §§1441 and 1446, Defendants Kingsbury Trucking, LLC and Douglas Kingsbury (“Defendants”), hereby file this Notice of Removal of an action pending in the Court of Common Pleas, Hamilton County, Ohio. The grounds for removal are as follows:

1. Plaintiff filed this action in the Court of Common Pleas for Hamilton County, Ohio, Case No. A1900367, on January 22, 2019. A copy of the Complaint and the Summons were served on Defendant on October 25, 2019.
2. Defendant Kingsbury Trucking, LLC is a corporation and citizen with its principal place of business and executive offices in Sugar Grove, PA.
3. Defendant Douglas Kingsbury is a citizen of Pennsylvania.
4. Upon information and belief, Plaintiffs are residents and citizens of the State of Ohio.
5. This Court would have had original jurisdiction of the State Court action pursuant to 28 U.S.C. §1332(a)(1) had that action been filed in this Court initially.

6. There exists complete diversity of citizenship between the Plaintiffs and the Defendants, and without intending to concede or admit that there is any liability or responsibility for Defendants, which Defendants specifically deny, the amount in controversy exceeds \$75,000. Accordingly, Defendants are entitled to remove this action under 28 U.S.C. §1441.
7. Defendants desire to remove the State Court action to this Court and submit this Notice of Removal, along with attached Exhibits, in accordance with 28 U.S.C. §1446.
8. This Notice of Removal is being filed within 30 days after service upon Defendants of a copy of the initial pleading setting forth the claims for relief in the State Court action and is, therefore, timely filed pursuant to 28 U.S.C. §1446(b).
9. As required by 28 U.S.C. §1446(a), attached as Exhibit A and Exhibit B are copies of the Complaint and Summons served upon the Defendants. No other process, pleading or other orders have been served on Defendants in this case.
10. Written notice of the filing of this Notice of Removal, together with a copy of the Notice of Removal, will be promptly given to Plaintiffs and filed with the Clerk of Court of Common Pleas of Hamilton County, Ohio, as required by 28 U.S.C. §1446(d). Wherefore, Defendants hereby remove the State Court action from the Court of Common Pleas, Hamilton County, Ohio to this Court.

Respectfully submitted,

WESTON HURD, LLP

/s/ Steven G. Carlino

Steven G. Carlino (0073734)

Kaitlin L. Madigan (0087891)

10 West Broad Street, Suite 2400

Columbus, Ohio 43215
scarlino@westonhurd.com
kmadigan@westonhurd.com
Office: 614-280-0200
Fax: 614-280-0204
*Attorneys for Defendants Kingsbury Trucking LLC
and Douglas Kingsbury*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served by ordinary U.S. Mail, postage-prepaid, this 27th day of November 2019 to the following counsel of record herein:

Michael A. Cook
Jeffrey S. Bakst & Associates
2406 Auburn Ave.
Cincinnati, OH 45219
Attorney for Plaintiffs

Steven G. Carlino
Steven G. Carlino



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
October 25, 2019 10:33 AM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 890784**

SAMANTHA CRACCHIOLO

A 1905117

vs.

KINGSBURY TRUCKING LLC

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

PAGES FILED: 20

EFR200



EXHIBIT

A

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

SAMANTHA CRACCHIOLO
608 WOODBLUFF LANE
HARRISON, OHIO 45030

And

MAYA CRACCHIOLO, individually,
By and through SAMANTHA
CRACCHIOLO, mother and
Natural Guardian
608 WOODBLUFF LANE
HARRISON, OHIO 45030

Plaintiff,

vs.

KINGSBURY TRUCKING, LLC
8426 Route 957
Sugar Grove, PA 16350

And

DOUGLAS BRUCE KINGSBURY
8426 Route 957
Sugar Grove, PA 16350

Also Serve:

Statutory Agent
Eric Beery
5025 Arlington Center Blvd, Suite 55
Columbus, Ohio 43220
Defendants.

Case No. _____

Judge _____

**COMPLAINT AND
FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANTS**

Jeffrey I. Bakst
& Associates, LLC
ATTORNEYS AT LAW
2406 AUBURN AVENUE
CINCINNATI, OHIO 45219-2702
381-2221

Now comes the Plaintiffs, by and through counsel, and as and for their cause of action
against the Defendants, states as follows:

COUNT ONE

1. Plaintiffs Samantha Cracchiolo and Maya Cracchiolo currently reside at 608 Woodbluff Lane, Harrison, Ohio 45030, and has so resided at all relevant times herein.

2. Plaintiff, Samantha Cracchiolo is the mother and legal guardian of Plaintiff, Maya Cracchiolo.

3. Defendant, Kingsbury Trucking LLC is a corporation located at 8426 Route 957, Sugar Grove, PA 16350, and doing business in Chester County, Ohio.

4. Defendant, Douglas Bruce Kingsbury, resides at 8426 Route 957, Sugar Grove, PA 16350, and has so during all relevant times herein.

5. Defendant Douglas Bruce Kingsbury is the owner and operator of Kingsbury Trucking LLC.

6. On November 5, 2017, Plaintiff, Samantha Cracchiolo, was traveling southwest on Interstate 71.

7. On November 5, 2017, Defendant, Douglas Bruce Kingsbury, owner and operator of Kingsbury Trucking LLC was traveling in the scope of his employment southwest on Interstate 71 when he failed to maintain the assured clear distance ahead, striking the Plaintiff's car in the rear causing injuries to the Plaintiffs.

8. Douglas Bruce Kingsbury was an owner or employee of Defendant, Kingsbury Trucking LLC and was acting in the course and scope of such ownership or employment when he negligently struck the rear of the Plaintiffs vehicle.

9. Defendant, Kingsbury Trucking LLC is liable for the negligence of Douglas Bruce Kingsbury who, in the course and scope of his ownership and/or employment struck the Plaintiff, vehicle.

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10. Defendant, Douglas Bruce Kingsbury, owed the Plaintiff and the general public a duty to operate his vehicle in a reasonably prudent fashion, to maintain control of his vehicle, and to maintain the assured clear distance ahead.

11. Defendant, Douglas Bruce Kingsbury negligently breached these duties that she owed Plaintiff, Samantha Cracchiolo in the following ways: a) Douglas Bruce Kingsbury failed to maintain assured clear distance ahead; b) Douglas Bruce Kingsbury failed to maintain reasonable control of his vehicle; c) and Douglas Bruce Kingsbury operated his automobile in a grossly negligent and reckless manner.

12. As a direct and proximate result of Defendant Douglas Bruce Kingsbury's negligence, Plaintiff, Samantha Cracchiolo, has sustained severe and permanent injuries and has incurred medical expenses in an amount yet to be determined and shall continue to incur medical expenses in the future with reasonable medical certainty; Plaintiff, Samantha Cracchiolo, has further sustained past pain and suffering and will continue to do so into the future with reasonable medical certainty; Plaintiff, Samantha Cracchiolo, has further sustained past lost wages and shall continue to do so into the future and shall further lose wages into the future with reasonable certainty; Plaintiff, Samantha Cracchiolo, has also suffered a loss of earning capacity and will continue to do so into the future with reasonable certainty.

13. Plaintiff, Samantha Cracchiolo is entitled to judgment against Defendant, Douglas Bruce Kingsbury in an amount yet to be determined, but in excess of \$25,000.00 and in excess of the jurisdictional limits of this Court.

COUNT TWO

CLAIMS FOR PLAINTIFF MAYA CRACCHIOLO AGAINST DEFENDANT DOUGLAS

BRUCE KINGSBURY

14. Plaintiffs hereby incorporate Paragraphs 1 through 13 as though fully rewritten herein.

15. On November 5, 2019, Plaintiff, Maya Cracchiolo, was in passenger in a vehicle driven by her mother, Samantha Cracchiolo, traveling southwest on I-71, when the Defendant, Douglas Bruce Kingsbury failed to maintain assured clear distance ahead and rear ended Plaintiff's vehicle, causing injuries to Maya Cracchiolo.

16. Defendant, Douglas Bruce Kingsbury, owed the Plaintiffs and the general public a duty to operate his vehicle in a reasonably prudent fashion, to maintain control of his vehicle, and to maintain the assured clear distance ahead.

17. Defendant, Douglas Bruce Kingsbury, negligently breached these duties that he owed Plaintiff in the following ways: a) Douglas Bruce Kingsbury failed to maintain assured clear distance ahead; b) Douglas Bruce Kingsbury failed to maintain reasonable control of his vehicle; c) and Douglas Bruce Kingsbury operated his automobile in a grossly negligent and reckless manner.

18. As a direct and proximate result of Defendant Douglas Bruce Kingsbury's negligence, Plaintiff, Maya Cracchiolo, has sustained severe and permanent injuries and has incurred medical expenses in an amount yet to be determined and shall continue to incur medical expenses in the future with reasonable medical certainty; Plaintiff, Maya Cracchiolo has further sustained past pain and suffering and will continue to do so into the future with reasonable medical certainty; Plaintiff, Maya Cracchiolo, has further sustained past lost wages and shall continue to do so into the future and shall further lose wages into the future with reasonable certainty; Plaintiff, Maya Cracchiolo, has also suffered a loss of earning capacity and will continue to do so into the future with reasonable certainty.

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19. Plaintiff, Maya Cracchiolo is entitled to judgment against Defendant, Douglas Bruce Kingsbury in an amount yet to be determined, but in excess of \$25,000.00 and in excess of the jurisdictional limits of this Court.

COUNT THREE

PLAINTIFF, SAMANTHA CRACCHIOLO'S

CLAIMS AGAINST KINGBURY TRUCKING LLC /RESPONDEAT SUPERIOR

20. Plaintiffs hereby incorporate paragraphs 19 as though fully rewritten herein.

21. Defendant, Kingsbury Trucking LLC was the employer of Douglas Bruce Kingsbury on November 5, 2017.

22. At the time of the accident, the Defendant Douglas Bruce Kingsbury was in the scope of his employment for the Defendant, Kingsbury Trucking LLC.

23. Defendant, Kingsbury Trucking LLC is vicariously liable for the negligence of Defendant Douglas Bruce Kingsbury and responsible for the damages to the Plaintiff, Samantha Cracchiolo

24. As a direct and proximate result of the Defendant Kingsbury Trucking LLC employee, Douglas Bruce Kingsbury, the Plaintiff, Samantha Cracchiolo has suffered permanent and disabling injuries.

25. As a direct and proximate result of Kingsbury Trucking LLC employee's negligence, Plaintiff, Samantha Cracchiolo sustained severe and permanent injuries and has incurred medical expenses in an amount yet to be determined, and shall continue to incur medical expenses into the future with reasonable medical certainty; Plaintiff, Samantha Cracchiolo has further sustained past pain and suffering and will continue to do so into the future with reasonable medical certainty; Plaintiff, Samantha Cracchiolo has further sustained past lost wages and shall continue to do so into the future with reasonable certainty; Plaintiff, Samantha

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Cracchiolo has also suffered a loss of earning capacity and will continue to do so into the future with reasonable certainty.

26. Plaintiff, Samantha Cracchiolo is entitled to judgment against Defendant, Kingsbury Trucking LLC in an amount yet to be determined, but in excess of \$25,000.00 and in excess of the jurisdictional limits of this Court, as and for vicarious liability.

COUNT FOUR

PLAINTIFF, MAYA CRACHIOLO'S

CLAIMS AGAINST KINGSBURY TRUCKING LLC /RESPONDEAT SUPERIOR

27. Plaintiff hereby incorporates paragraphs 26 as though fully rewritten herein.

28. Defendant, Kingsbury Trucking LLC was the employer of Douglas Bruce Kingsbury on November 5, 2017.

29. At the time of the accident, the Defendant Douglas Bruce Kingsbury was in the scope of his employment for the Defendant, Kingsbury Trucking LLC.

30. Defendant, Kingsbury Trucking LLC is vicariously liable for the negligence of Defendant Douglas Bruce and responsible for the damages to the Plaintiff, Maya Cracchiolo.

31. As a direct and proximate result of the Defendant Kingsbury Trucking LLC employee, Douglas Bruce Kingsbury, the Plaintiff, Maya Cracchiolo has suffered permanent and disabling injuries.

32. As a direct and proximate result of Kingsbury Trucking LLC employee's negligence, Plaintiff, Maya Cracchiolo sustained severe and permanent injuries and has incurred medical expenses in an amount yet to be determined, and shall continue to incur medical expenses into the future with reasonable medical certainty; Plaintiff, Maya Cracchiolo has further sustained past pain and suffering and will continue to do so into the future with reasonable medical certainty; Plaintiff, Maya Cracchiolo has further sustained past lost wages and shall continue to

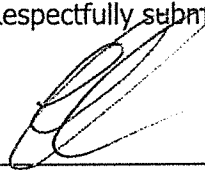
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do so into the future with reasonable certainty; Plaintiff, Maya Cracchiolo has also suffered a loss of earning capacity and will continue to do so into the future with reasonable certainty.

33. Plaintiff, Maya Cracchiolo is entitled to judgment against Defendant Kingsbury Trucking LLC in an amount yet to be determined, but in excess of \$25,000.00 and in excess of the jurisdictional limits of this Court, as and for vicarious liability.

WHEREFORE, Plaintiffs pray for judgment against Defendants in the excess of \$25,000.00 as and for Plaintiffs First Count; Plaintiffs pray for judgment against Defendant in the excess of \$25,000.00 as and for Plaintiffs Second Count; Plaintiffs pray for judgment against Defendant in the excess of \$25,000.00 as and for Plaintiffs Third Count; Plaintiffs pray for judgment against Defendant in the excess of \$25,000.00 as and for Plaintiffs Fourth Count and Plaintiffs further pray for all relief that they may be entitled to either legal and/or equitable.

Respectfully submitted,

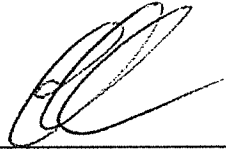


Michael A. Cook (0059361)
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(513) 977-5595 – fax

Jeffrey S. Bakst
& Associates, LLC
ATTORNEYS AT LAW
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CINCINNATI, OHIO 45219-2702
381-2221

INSTRUCTIONS TO CLERK

Please serve a copy of the Complaint and First Set of Interrogatories and Requests for Production of Document on Defendants at the addresses identified in the above caption by Certified Mail, Return Receipt Requested.



Michael A. Cook

Jeffrey S. Bakst
& Associates, LLC
ATTORNEYS AT LAW
2406 AUBURN AVENUE
CINCINNATI, OHIO 45219-2702
381-2221

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

SAMANTHA CRACCHIOLO
PLAINTIFF

-- vs --

KINGSBURY TRUCKING LLC
DEFENDANT

Use below number on
all future pleadings

No. A 1905117
SUMMONS

KINGSBURY TRUCKING LLC
8426 ROUTE 957
SUGAR GROVE PA 16350

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

SAMANTHA CRACCHIOLO
608 WOODBLUFF LANE
HARRISON OH 45030

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
MICHAEL A COOK
2406 AUBURN AVE
CINCINNATI OH
45219-2702

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: October 29, 2019



D127046069



EXHIBIT

tabbles

B

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

SAMANTHA CRACCHIOLO
PLAINTIFF

-- vs --

KINGSBURY TRUCKING LLC
DEFENDANT

Use below number on
all future pleadings

No. A 1905117
SUMMONS

DOUGLAS BRUCE KINGSBURY
8426 ROUTE 957
SUGAR GROVE PA 16350

D - 2

You are notified
that you have been named Defendant(s) in a complaint filed by

SAMANTHA CRACCHIOLO
608 WOODBLUFF LANE
HARRISON OH 45030

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
MICHAEL A COOK
2406 AUBURN AVE
CINCINNATI OH
45219-2702

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: October 29, 2019



D127046071



VERIFY RECORD

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

SAMANTHA CRACCHIOLO
PLAINTIFF

-- vs --

KINGSBURY TRUCKING LLC
DEFENDANT

Use below number on
all future pleadings

No. A 1905117
SUMMONS

KINGSBURY TRUCKING LLC
STATUTORY AGENT ERIC BEERY
5025 ARLINGTON CENTER BLVD #55
COLUMBUS OH 43220

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

SAMANTHA CRACCHIOLO
608 WOODBLUFF LANE
HARRISON OH 45030

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
MICHAEL A COOK
2406 AUBURN AVE
CINCINNATI OH
45219-2702

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: October 29, 2019



D127046079



VERIFY RECORD